



Health Services
LOS ANGELES COUNTY

**Los Angeles County
Board of Supervisors**

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May 9, 2006

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

**IMPLEMENTATION OF STATE MEDICAL MARIJUANA
IDENTIFICATION CARD PROGRAM IN LOS ANGELES COUNTY**
(All Districts) (3 Votes)

**IT IS RECOMMENDED THAT FOLLOWING THE PUBLIC HEARING,
YOUR BOARD:**

1. Approve the attached ordinance that amends the Los Angeles County Code by inserting section 11.66, which obligates the county health officer to accept applications for Medical Marijuana Program identification cards and permits the county health officer to charge and collect an application fee to cover all County costs in administering the State's Medical Marijuana Program.
2. Introduce, waive reading and place the attached ordinance on a subsequent agenda for adoption.
3. Approve the Medical Marijuana Identification Card application fee of \$100 and \$50 for Medi-Cal recipients.
4. Authorize the Department to fill three (3.0) new Full Time Equivalent (FTE) positions for one (1) Assistant Staff Analyst, Health Services, one (1) Senior Typist Clerk, and one (1) Intermediate Typist Clerk, in excess of what is provided in the Department of Health Services' staffing ordinance pursuant to Section 6.06.020 of the County Code subject to allocation by the Department of Human Resources, 100% offset by fee revenues.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION:

Approval of the recommended actions will obligate the county health officer to implement the State Medical Marijuana Identification Program in Los Angeles County, approve the recommended application fee, and authorize Departmental positions to implement the program.

Bruce A. Chernof, MD
Acting Director and Chief Medical Officer

John R. Cochran III
Chief Deputy Director

William Loos, MD
Acting Senior Medical Officer

13 N. Figueroa Street, Suite 912
Los Angeles, CA 90012

Tel: (213) 240-8101
Fax: (213) 481-0503

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FISCAL IMPACT/FINANCING:

The total annual costs for the implementation of the program are estimated to be \$262,000. State law permits the County to fully offset the costs of the program by charging a fee to applicants for identification cards under the State program.

An ordinance to establish the program and authorize the county health officer to collect a fee is attached. A fee of \$100 is recommended, which includes the State fee of \$13. Fees for Medi-Cal recipients will be one-half of the regular fee, in accordance with State code. The amount of the recommended fee was determined by dividing the total projected costs by the estimated number of applicants in the County (3000). After the Department has experience in the actual implementation of the program and after the number of actual applicants for the first year is determined, the Department will return with a recommendation for any needed staffing changes and to adjust the fee to align the fee with the actual program costs.

A survey of fees established by other counties found fees ranging from \$15 in Del Norte to \$108 in Santa Barbara County. This program is to be included in FY 06-07 Board adopted budget.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS:

In 1996, California voters passed Proposition 215, also known as the Compassionate Use Act, related to the medical use of marijuana. In 2003, the Legislature and Governor approved SB 420 (Chapter 875, Statutes of 2003), which established procedures for implementation of Proposition 215. The statute provides that the County health department or the Board's designee will receive and process applications for medical marijuana identification cards.

In early 2005, the State Department of Health Services (SDHS) implemented a pilot program for identification cards in several counties. Following the Supreme Court opinion issue last summer on marijuana grown for medical purposes, SDHS temporarily halted the pilot program to seek guidance from the Attorney General regarding the impact of the opinion on the program. The State Attorney General opined the Supreme Court decision invalidated neither Proposition 215 nor SB 420. Accordingly, SDHS notified counties that it was resuming implementation of the program and has now finalized its handbook and instructed counties that they must begin implementation.

County Counsel has advised that the County has a statutory duty to implement the program in conjunction with the completed State administrative protocols. According to the State, 19 counties have already started issuing identification cards under this program. County Counsel has previously informed your Board about litigation initiated by San Diego County, which has refused to implement the program that challenges the constitutionality of the Compassionate Use Act. That litigation is in its early stages.

Implementation of the program will require the Department to establish a location where applicants must appear with their application documents. The department must verify applicant identification and take a digital picture of the applicant. Then, the department must contact the physician to verify that the medical information submitted on the application is correct, and contact the State Medical Board to assure that the physician has a valid license. If the applicant claims Medi-Cal coverage, that must be verified. Finally, the department will electronically transmit the information to the State, receive the card from the State, and contact the applicant to pick it up. The State will provide on-site training for County staff.

The State has issued a County Handbook, which contains protocols, procedures and forms to administer the ID card program. There are two areas which we have identified so far, in which we propose to impose requirements that exceed the State's.

- 1) The State program allows cards for eligible patients and their caregivers, but does not impose limits on the number of caregivers a patient may have (unless the patient is in a facility) nor the number of patients for which a caregiver may obtain medical marijuana. The Department proposes to impose an initial limit of 3 caregivers per patient and 10 patients per caregiver. We will retain the information submitted by applicants and maintain a confidential data base sufficient to monitor for possible abuse.
- 2) For eligible patients who are minors, but not emancipated, the State protocols require the County to contact the parents. We propose that the parent must accompany the minor, when the application is submitted.

Medical Marijuana Identification Cards are not required for eligible patients, as participation in the program is voluntary. Eligible patients may still present a letter from their physician to demonstrate their eligibility to law enforcement or to medical marijuana dispensaries [depending on each dispensary's own rules]. Community medical marijuana advocates contacted by the Department stated that they thought the ID cards provided a better means of identification to law enforcement for eligible patients. Law enforcement representatives with which the Department met were concerned that, since the ID cards are voluntary for the patient, even with the ability to verify the validity of a card, the cards may not help them substantially in determining which persons are eligible for medical marijuana under Proposition 215.

This program does not include any role for the county in regulation or oversight of the medical marijuana dispensaries at which the State identification cards may be used. In a separate action, the Board is considering adoption of an ordinance for zoning requirements for medical marijuana dispensaries in unincorporated areas.

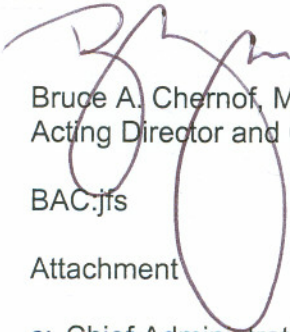
CONTRACTING PROCESS

Not applicable.

IMPACT ON CURRENT SERVICES (OR PROJECT):

If successful, the program will enable eligible patients whose physicians recommend medical marijuana to identify themselves to dispensaries and to law enforcement.

Respectfully submitted,

A handwritten signature in purple ink, appearing to read "Bruce A. Chernof", is written over the typed name and title.

Bruce A. Chernof, M.D.
Acting Director and Chief Medical Officer

BAC:jfs

Attachment

c: Chief Administrative Officer
County Counsel
Executive Officer, Board of Supervisors

ANALYSIS

This ordinance amends the Los Angeles County Code, Title 11 - Health and Safety to add Chapter 11.66, to obligate the County health officer to accept applications for Medical Marijuana Program identification cards and charge an application fee to cover all County costs in administering the state's Medical Marijuana Program.

RAYMOND G. FORTNER, JR.
County Counsel

By
ROBERT E. RAGLAND
Senior Deputy County Counsel
Health Services Division

RER:ec

11/30/05 (Requested)

12/06//05 (Revised)

ORDINANCE NO. _____

An ordinance amending Title 11 - Health and Safety of the Los Angeles County Code, to establish the county health officer's obligation to accept applications from and charge an application fee set by the Board of Supervisors to individuals seeking to obtain a Medical Marijuana Program identification card, pursuant to the Health and Safety Code.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Chapter 11.66 is hereby added to Title 11 -- Health and Safety to read as follows:

Chapter 11.66 MEDICAL MARIJUANA PROGRAM IDENTIFICATION CARD

Sections:

- 11.66.010 Medical Marijuana Program Identification Card – Applications.
- 11.66.020 Medical Marijuana Program Identification Card -- Initial Application Fee.
- 11.66.030 Medical Marijuana Program Identification Card -- Renewal Application Fee.
- 11.66.040 Medical Marijuana Program Identification Card -- County Application Fee.

11.66.010 Medical Marijuana Program Identification Card -- Applications:

The county health officer shall provide applications upon request to individuals seeking a Medical Marijuana Program Identification Card pursuant to Division 10, Chapter 6, Article 2.5 of the Health and Safety Code.

11.66.020 Medical Marijuana Program Identification Card -- Initial

Application Fee.

Every person seeking to obtain a Medical Marijuana Program identification card shall submit a completed application to the county health officer, or his or her designee, and at such time pay the required application fee, as established by the Board of Supervisors. The initial application fee is \$100, except that applicants that receive Medi-Cal benefits at the time of submission of their application shall pay \$50.

11.66.030 Medical Marijuana Program Identification Card -- Renewal

Application Fee.

Every person seeking to renew his or her Medical Marijuana Program identification card shall submit a completed application for renewal to the county health officer, or his or her designee, and at such time pay the required renewal application fee. The renewal application fee is \$100, except that applicants that receive Medi-Cal benefits at the time of submission of their renewal application shall pay \$50.

11.66.040 Medical Marijuana Program Identification Card -- County

Application Fee.

The county health officer shall collect all application fees as required by the California Department of Health Services for each application and renewal application received. The county health officer shall charge an additional application fee, as established by the Board of Supervisors, for each application and renewal application

received. This additional fee shall cover all costs incurred by the County of Los Angeles in administering the Medical Marijuana Program pursuant to Division 10, Chapter 6, Article 2.5 of the Health and Safety Code. The county's portion of the application fee shall be combined with the application fee required by the California Department of Health Services to create a single application fee and be collected from the applicant upon receipt of the completed application, as set forth in Sections 11.66.020 and 11.66.030.

[1166RRCC]

HOA.336584.1